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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,866

09/29/2003

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07/29/2008

EXAMINER

SWINEHART, EDWIN L

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The reply filed on 6/19,2008 is not fully responsive to the Notice of Non-Compliant Amendment mailed May 22, 2008 because: The deficiencies as noted in the notice have not been corrected. Since the period for reply set forth in the Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

2. Applicant indicates that the amendment of 2/19/2008 presented one independent claim, and that there had been one independent claim originally, not seven as treated by the examiner.

The claim(s) as originally presented included claim numbers 1 to 7, and therefore the examiner treated it/them as seven claims. If Applicant wanted a single claim in seven parts, such should have been presented as in the last amendment, with letters, a,b,c etc.

The amendment as presented is still not compliant with the rules under 37 CFR 1.121.

Applicant needs to provide a claim on a separate sheet (as done in the last amendment), and must provide a complete listing of the claims and their status. Since the First Office Action assumed that there were seven claims, and assuming these claims are to now be canceled, the claim sheet should begin by stating "Claims 1-7 (canceled)." Next Applicant should present the new claim as claim 8, since that is the next higher consecutive number after 7. So, the new claim should start; "Claim 8 (New) A means...". A claim presented in this fashion will comply with sections 4a-4c of the Notice of Non-Compliant Amendment. The amendment must also be signed by Applicant.

Note also that there is a great deal of helpful information on-line at the uspto.gov website. The following internet address is directed towards 37 CFR 1.121, and the proper manner in presenting amendments:

http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_121.htm

The following address for FAQs, regarding responses to actions:

<http://www.uspto.gov/web/offices/pac/dapp/revised121qnas.htm>

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Swinehart/
Primary Examiner
Art Unit 3617